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ATTORNEYS FOR PLAINTIFF

FILED

JUN 01 2009

By LORI MAIDNEY CLERK
Deputy Clerk

MURT KRUEGER
Judge, Dept. 1

SUMMONS ISSUED

120th

MONTANA SECOND JUDICIAL DISTRICT COURT, SILVER BOW COUNTY

DEBORAH HEANEY,

Plaintiff,

vs.

WELLS FARGO, N.A. and
JOHN DOES 1 THROUGH 5,
Defendants.

Cause No. DV-09-229 KK

COMPLAINT AND DEMAND
FOR JURY TRIAL

COMES NOW the Plaintiff, DEBORAH HEANEY, by and through her attorneys of record and for her cause of action against the Defendant alleges as follows:

1. That Plaintiff was at all times pertinent hereto a citizen and resident of Butte-Silver Bow County, State of Montana.

2. That Defendant WELLS FARGO, N.A. ("Wells Fargo") is a corporation qualified to do business and doing business in Butte-Silver Bow County, State of Montana.

3. John Does 1 through 5 are fictitious defendants who may be added as named defendants as facts are developed.

4. The events which give rise to this action occurred within Butte-Silver Bow County, State of Montana and venue is proper in this court.

5. Plaintiff was first hired by the Defendant on or about July 31, 2007 in Butte-Silver Bow County where she worked until August 13, 2008.

6. Plaintiff had a property interest in her employment and in the continuation of her employment with Wells Fargo.

7. Plaintiff fulfilled all of the job duties of her position of Senior Credit Manager in a competent, faithful, and diligent manner until she was summarily discharged from her employment

8. In the course of her employment it came to Plaintiff's attention that her supervisor fraudulently and unlawfully had certain pay stubs forged and fraudulently prepared to substantiate a home refinance loan for certain individuals who were unable to produce actual pay stubs or proof of employment earnings.

9. On or about August 13, 2008, Plaintiff reported this fraudulent unlawful activity to the pertinent parties in authority.

10. Plaintiff refused to violate public policy and reported this violation of public policy.

11. In retaliation for her refusal to violate public policy and/or her reporting of this violation of public policy, Plaintiff was discharged from her employment with the Defendant Wells Fargo.

12. On August 13, 2008, after Plaintiff reported the fraudulent, unlawful and wrongful acts as aforesaid, and in retaliation for this refusal to violate public policy and/or this reporting, Plaintiff was told to completely log off her computer. She was told to give her supervisor her office key immediately, and she was told to leave the office.

13. Plaintiff hurriedly cleaned out from her desk some of her personal belongings and in doing so, she inadvertently picked up a tax return, thinking it was hers, which belonged to another person.

14. Before Plaintiff entered her vehicle to leave the premises, she noticed that she had inadvertently picked up this tax return, and immediately returned it to Nick Hungerford, the head of Defendant's Auto Loan Department.

15. Within a few weeks of August 13, 2008, Defendant Wells Fargo replaced Plaintiff with a newly hired employee who took over her desk. He removed from Plaintiff's desk her remaining belongings which were boxed up and later returned to her.

16. Subsequently by letter of August 20, 2008, Plaintiff was informed that she had been placed on "administrative leave of absence" effective August 13, 2008.

31. In the event it is proven by clear and convincing evidence that the Defendant employer engaged in actual fraud or actual malice in the discharge of Plaintiff in violation of § 39-2-904(1)(a) MCA, the Plaintiff is entitled to punitive damages under § 39-2-905(2), MCA.

32. As a direct and proximate result of the infliction of emotional distress as herein alleged, the Plaintiff has suffered mental, emotional, psychological, physical, personal and bodily injuries, Plaintiff has sustained and/or will sustain past and future expenses of health care providers, past and future lost wages and benefits, past and future pain, suffering and loss of an established course of life and special and general damages in an amount to be proven at trial.

33. The Defendant was guilty of actual fraud and/or malice in the wrongful actions as aforesaid and the Plaintiff is entitled to punitive damages in an amount to be proven at trial.

WHEREFORE, Plaintiff prays for judgment on the following claims for damages:

- a. All remedies and damages allowable under § 39-2-905, MCA;
- b. All damages for emotional distress and related injuries, including general, special and punitive damages;
- c. For all such other relief which the Court in the premises deems equitable and just.

DATED this 1st day of June, 2009.



JAMES P. HARRINGTON

DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, above named and hereby demands a trial by jury of all the issues in this matter.

DATED this 1st day of June, 2009.

Attorneys for Plaintiff

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and

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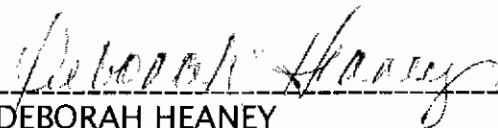
By 

VERIFICATION

STATE OF MONTANA)
 :SS.
County of Silver Bow)

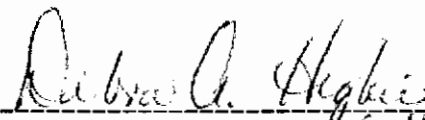
I, Deborah Heaney, being first duly sworn upon oath, depose and state that:

I am the Plaintiff named in the within and foregoing Complaint and Demand for Jury Trial; that I have read the same and know the content thereof to be true to the best of my knowledge, information and belief.


DEBORAH HEANEY

SUBSCRIBED and SWORN before a Notary Public for the State of Montana on the 1st day of June, 2009.




Printed Name: Debra A. Higbie
NOTARY PUBLIC FOR STATE OF MONTANA
Residing at: Butte, MT
My Commission Expires: 11/27/2009